

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JUN 26 2018

JULIA C. DUDLEY, CLERK
BY: *H. McDonald*
DEPUTY CLERK

JOHN ANGELO SMITH,)	CASE NO. 7:17CV00072
)	
Petitioner,)	
v.)	ORDER
)	
WARDEN,)	By: Hon. Jackson L. Kiser
)	Senior United States District Judge
Respondent.)	

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that the motion to dismiss (ECF No. 10) is **GRANTED**, the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**, and the clerk shall **STRIKE** this action from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 26th day of June, 2018.

Jackson L. Kiser
Senior United States District Judge